

REMARKS/ARGUMENTS

Claims 1-27 are pending in the application and were rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art, as described in the written description of the specification.

A Supplemental Declaration and Power of Attorney is submitted to correct transposition of numbers identified by the Examiner on the original Declaration and Power of Attorney.

Claims 1, 2, 4-7, 14, 15, 17, 19 – 27 have been amended to more clearly define that which the applicant regards as the invention. Applicant respectfully submits that in view of these amendments pending claims 1-27 are in condition for allowance.

Amended claim 1 recites, among other elements, “initializing a processing module stored on a portable computing device having a display screen by inputting into the portable computing device electronic data indicative of a unique customer number associated with the transport of the product between the point of origin and the point of destination, the portable computing device being capable of scanning barcodes wherein the processing module is programmed to generate a series of questions with respect to the transport of the product and display the questions on the display screen”. (Specification page 11, line 30 to page 12, line 2; and page 12, lines 11-15). Amended independent claims 14 and 20 recite similar subject matter.

The Examiner rejected original claims 1-27 under 35 U.S.C. §103(a) as being unpatentable over the “admitted prior art, as described in the written description of the specification.” without specifically identifying any portion of the specification that allegedly constitutes prior art (Office Action, page 3). With respect to this contention, applicant has not labeled, identified or otherwise designated any of the description of the subject matter in the application as “prior art”. (see; MPEP §§ 2129 I. and II.). Applicant is unable to determine with specificity what the Examiner asserts is “prior art” in the Background of the Invention section, or elsewhere, in support of this rejection. Applicant requests that if such a rejection is reasserted then whatever the Examiner believes to be prior art be specifically identified so applicant may formulate a response.

Applicant points out that the Background of the Invention describes information setting the real-life problems encountered by the assignee of the present invention while purveying goods in the market place and the thought processes undertaken by the inventors for recognizing and solving those problems. Applicant submits that subject matter described in the Background of the Invention, or elsewhere in the application, should not be construed as “prior art” absent an express admission, labeling or other designation by applicant, which is clearly not the case.

No prior art sources for the motivation that would be required by one skilled in the art to arrive at the invention as claimed has been identified other than the Examiner’s personal assertion that the motivation is “... simply to improve the efficiency of the information management process pertaining to the transport of a product between a point of origin and a point of destination by reducing the amount of manual effort required...” (*emphasis added*; Office Action, pages 3 – 4). It’s not clear to applicant what constitutes “the information management process” referred to by the Examiner and clarification is requested from the Examiner.

In this respect, prior to the development of the present invention, there was no “information management process” that was simply automated for reasons of efficiency as suggested by the Examiner. If anything, prior to the present invention there was a disarray of information that often resulted in costly and time consuming duplicative efforts in connection with the vast number of logistical details involved in the process of shipping thousands (if not millions) of consumer goods. Embodiments of the present invention were not previously performed and they were not developed merely to implement some preexisting “information management process”.

Further, absent an identification of any prior art source for the suggested motivation, the factual basis for this motivation could only have been derived from the Examiner’s personal knowledge of the prior art. Consequently, in accordance with 37 C.F.R. §1.104(d)(2) applicant respectfully reasserts the previously submitted request for an affidavit from the Examiner with respect to the factual prior art basis supporting the Examiner’s assertion that one skilled in the art would be so motivated.

Moreover, the Examiner concludes “... it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the conventional

manual method of managing information pertaining to the transport of a product between a point of origin and a point of destination, ..." (*emphasis added*; Office Action, page 3). Applicant is unable to ascertain what constitutes "the conventional manual method" characterized by the Examiner or why such method forms the basis for rejecting claims 1-27 under 35 U.S.C. §103(a). Consequently, in accordance with 37 C.F.R. §1.104(d)(2) applicant respectfully reasserts the previously submitted request for an affidavit from the Examiner with respect to what prior art reference the Examiner considers to define "the conventional manual method" supporting the rejection.

In general, the present invention as delineated in amended independent claims 1 and 14, and claims depending there from, is a method for managing electronic data over a telecommunications system where the data relates to the transport of a product between two locations. Similarly, amended independent claim 20, and claims depending there from, delineates a system for managing the transport of the product. The delineated method and system set forth a unique combination of structural and/or operational relationships that result in more reliable and cost-efficient business operations in an ever-more competitive business environment, such as the one where the assignee of the present invention operates.

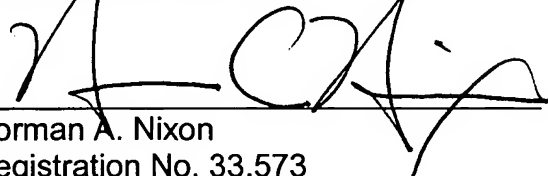
The fact that the claimed structural and/or operational relationships are computer-based should not denigrate the present invention. In a practical business environment, the claimed method and system could not be realistically implemented as "... conventional manual methods..." as suggested by the Examiner and therefore could not accomplish "...the same well known results as had heretofore been accomplished via manual means..." as concluded by the Examiner.

In view of the above, applicant respectfully requests reconsideration of the merits of this invention and asserts that, based on the art of record to date, pending claims 1-27 are in condition for allowance. Notice to that effect is respectfully requested.

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Final Office Action of 2/10/05
Amendment dated 6/10/05

The Examiner is invited to call the undersigned if clarification is needed on any aspects of this Reply/Amendment, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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